



Department of Planning, Housing, & Community Development

Mayor, Matthew T. Ryan

Director, Tarik Abdelazim

STAFF REPORT

TO: Zoning Board of Appeals Members
FROM: Planning, Housing and Community Development
DATE: November 19, 2013
SUBJECT: 41 Murray Street; Area Variances
TAX ID #: 160.55-1-34
CASE: 2013-28
COPIES: A. Sosa, T. Costello, T. Rennie (District 3), File

A. REVIEW REQUESTED

This application would provide for the construction of a carport attached to a detached garage. The Zoning Code only permits one garage or one carport per lot. An area variance is required to allow a garage and a carport at the subject side.

In granting an area variance, the Zoning Board of Appeals must weigh the benefit to the applicant if the variance is granted against the detriment to the health, safety, and welfare of the neighborhood or community by such a grant. The following must also be considered:

- (a). **Undesirable change**: Whether an undesirable change will be produced in the character of the neighborhood, or whether a detriment to nearby properties will be created;
- (b). **Reasonable alternative**: Whether the Applicant can achieve his goals via a reasonable alternative that does not involve the necessity of an area variance;
- (c). **Substantial request**: Whether the variance requested is substantial;
- (d). **Physical and Environmental Conditions**: Whether the requested variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district;
- (e). **Self-created hardship**: Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Zoning Board of Appeals, in granting an area variance, shall grant the minimum variance that it shall

deem necessary and adequate, and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

B. SITE REVIEW

The subject property is located on the west side of Murray Street, between Riverside Drive and Leroy Street. The site is a double wide 16,600 square foot lot and contains a 5,300 square foot single-family dwelling.

Land uses in the vicinity of the site consist primarily of single-family and multifamily dwellings. Many of the residential lots in the vicinity of the site have large accessory buildings. A commercial parking lot is located to the southeast of the site across Murray Street.

C. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

None.

D. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Unlisted** Action. The Planning Commission may be the lead agency to determine any environmental significance.

1. Motion to determine what type of action:
 - a. Type I
 - b. Type II
 - c. **Unlisted**
2. Determine Lead Agency and other involved agencies.
3. Motion to schedule a public hearing.
4. After the Public Hearing, Determination of Significance based on:

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| Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding | Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character? | Vegetation of fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species? | A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? | Growth, subsequent development, or related activities likely to be induced by the proposed action? | Long term, short term, cumulative, or other effects not identified in C1-C5? | Other impacts (including changes in use of either quantity or type of energy)? |
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| problems? | | | | | | |
| | X | | | X | | |

E. STAFF FINDINGS

Planning Staff recommend that the application for area variances be denied, based on the following findings:

1. The Zoning Board of Appeals must determine if the requested variance will produce an undesirable change in the character of the neighborhood.

A small carport attached to an existing garage would not produce an undesirable change given that many of the residential lots in the vicinity of the site have substantial accessory structures.
2. The Zoning Board of Appeals must determine if there are any reasonable alternatives to the proposed variances.

The only alternative, other than not constructing the carport, would be to expand the existing garage. This alternative would significantly alter the garage's architecture and would be less cost effective.
3. The Zoning Board of Appeals must determine if the proposed area variances are substantial.

The purpose of the limitation of the number accessory structures is to reduce the appearance of unnecessary clutter and to limit lot coverage. Integrating a small carport into the existing garage would minimize its visual impact. Further, the lot is a double lot, twice as large as the majority of residential lots in the neighborhood; therefore the addition would not a significant impact on lot coverage.
4. The Zoning Board of Appeals must determine whether the alleged difficulty was self created.

The alleged difficulty would be considered self created. However this should not preclude the grant of the variance given the conditions of the site, the character of the neighborhood and the design and location of the proposed carport

F. ENCLOSURES

Enclosed is a copy of the plans and site photographs.